

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LEGAL AID CHICAGO,	)	
	)	
Plaintiff,	)	Case No. 1:23-cv-4809
	)	
	)	
v.	)	
	)	
HUNTER PROPERTIES, INC.,	)	
	)	
Defendant.	)	

**LEGAL AID CHICAGO’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
AUTHORITY**

Plaintiff Legal Aid Chicago respectfully requests leave to submit the June 3, 2024 Order of the U.S. District Court for the Middle District of Florida in *Byrd v. JWB Property Management*, No. 3:23-cv-266-WWB-JBT (M.D. Fla. June 3, 2024) (the “Order”) as supplemental authority in support of its opposition to Defendant Hunter Properties, Inc.’s (“Hunter”) pending motion to dismiss (ECF No. 25). The Order is attached to this motion as Exhibit A. In support of its motion, Legal Aid Chicago states:

1. On July 25, 2023, Legal Aid Chicago filed a complaint alleging that Hunter’s policy of categorically rejecting all applications from prospective tenants with any connection to a past eviction proceeding (“No-Evictions Policy”) violates, among other things, the Fair Housing Act (“FHA”) because it discriminates on the basis of race and of race and sex together. ECF No. 1 at ¶¶ 72-79.

2. Hunter moved to dismiss the complaint, arguing among other things, that Legal Aid Chicago had not plausibly alleged discrimination in violation of the FHA. ECF No. 26 at 10-11.

Legal Aid Chicago responded, arguing that Hunter's No-Evictions Policy has caused a significant disparate impact based on race and on race and sex together. ECF No. 34 at 11-16.

3. In *Byrd*, the court rejected a motion to dismiss in a case where the plaintiffs claim that a No-Eviction Policy similar to Hunter's violates the FHA because of a disparate impact on Black renters. The court found that the plaintiffs sufficiently alleged a discriminatory effect and a causal connection between the defendant's No-Evictions Policy and a reduction in housing opportunities for Black renters. Order at 6-8.

4. The court's decision in *Byrd* is relevant to this Court's consideration of whether Legal Aid Chicago has plausibly stated disparate impact claims under the FHA.

5. Accordingly, consideration of the Order will assist the Court's resolution of Hunter's motion to dismiss.

WHEREFORE, Legal Aid Chicago respectfully requests leave to submit the Order as supplemental authority for the Court's consideration in deciding Hunter's pending motion to dismiss.

Dated: June 7, 2024

By: /s/ Brian J. Massengill

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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that a true and correct copy of the foregoing was served upon all parties of record via the U.S. District Court for Northern District of Illinois' Electronic Filing System on June 7, 2024.

/s/ Brian J. Massengill  
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